

# **EXHIBIT B**



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JONATHAN WAYNE BOTTEN, SR.; TANJA  
DUDEK-BOTTEN; ANNABELLE BOTTEN; AND  
J.B., A MINOR BY AND THROUGH HIS  
GUARDIAN JONATHAN WAYNE BOTTEN, SR.,

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY OF  
SAN BERNARDINO; ISAIAH KEE; MICHAEL  
BLACWOOD; BERNARDO RUBALCAVA; ROBERT  
VACCARI; JAKE ADAMS; AND DOES 1-10,  
INCLUSIVE,

Defendants.

CASE NO.  
5:23-CV-00257-KK-  
(KSHKX)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF ANNABELLE  
BOTTEN, taken remotely on Monday, December 16, 2024, at  
2:47 p.m., before Sandra Nalley, Certified Shorthand  
Reporter, CSR No. 13607.

A P P E A R A N C E S :

FOR THE PLAINTIFFS:

LAW OFFICES OF DALE K. GALIPO  
BY: HANG LE, ESQ.  
(Appearing via videoconference)  
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FOR THE DEFENDANTS MICHAEL BLACKWOOD, BERNARDO RUBALCAVA,  
AND STATE OF CALIFORNIA:

OFFICE OF THE DEPUTY ATTORNEY GENERAL  
BY: DIANA ESQUIVEL, ESQ.  
(Appearing via videoconference)  
1300 I Street, Suite 125  
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FOR THE DEFENDANTS COUNTY OF SAN BERNARDINO,  
ROBERT VACCARI AND JAKE ADAMS:

LYNBERG & WATKINS  
BY: SHANNON L. GUSTAFSON, ESQ.  
(Appearing via videoconference)  
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Orange, California 92868  
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Sgustafson@lynberg.com

ALSO PRESENT:

JOSE FONTAO, VIDEOGRAPHER

I N D E X

WITNESS: ANNABELLE BOTTEN

EXAMINATION

PAGE

BY MS. GUSTAFSON:

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BY MS. ESQUIVEL:

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E X H I B I T S

(No exhibits were marked.)

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER

(None.)

02:48 1 THE VIDEOGRAPHER: Good afternoon.

02:48 2 This is the video deposition of

02:48 3 Annabelle Botten, taken remotely on Monday, December 16th

02:48 4 in the year 2024. We're here in the matter of Jonathan

02:48 5 Wayne Botten, Sr. et al. vs. State of California et al.,

02:48 6 Case No. 5:23-CV-00257-KK-(SHKX). This case is being

02:48 7 heard in the United States District Court for the Central

02:48 8 District of California.

02:48 9 My name is Jose Fontao, legal videographer

02:48 10 contracted through Dean Jones Legal Videos, Inc. of

02:48 11 Los Angeles and Santa Ana, California. This deposition

02:48 12 is commencing at 2:48 p.m.

02:48 13 Would all present please identify themselves,

02:48 14 beginning with the deponent. Go ahead, Ms. Botten.

02:48 15 THE WITNESS: Hi. My name is Annabelle Marie

02:48 16 Botten. I don't know what else I'm supposed to say.

02:48 17 MS. GUSTAFSON: That's it. You're doing great.

02:48 18 Shannon Gustafson for the County defendants.

02:48 19 MS. ESQUIVEL: Diana Esquivel for the State

02:48 20 defendants, appearing from Sacramento.

02:48 21 MS. LE: Hang Le on behalf of the deponent,

02:48 22 Annabelle Botten, and the plaintiffs.

02:49 23 THE VIDEOGRAPHER: And would the court reporter

24 please administer the oath.

25 ///

1 ANNABELLE M. BOTTEN,  
2 having been first duly sworn, testified as follows:  
3

4 EXAMINATION

5 BY MS. GUSTAFSON:

02:49 6 Q. Have you ever gone by any name other than  
02:49 7 Annabelle Marie Botten?

02:49 8 A. No, ma'am.

02:49 9 Q. Have you ever had your deposition taken before?

02:49 10 A. No.

02:49 11 Q. I'm sorry?

02:49 12 A. No, ma'am. Not that I'm aware of.

02:49 13 Q. Since this is the first you've ever done this,  
02:49 14 we're going to just go ahead and go over some of the  
02:49 15 rules and what's going to be happening today just to make  
02:49 16 sure we're all on the same page.

02:49 17 So do you understand that the oath that was  
02:49 18 just administered to you by the court reporter is the  
02:49 19 same oath as if you were testifying in court with a judge  
02:49 20 and jury present and that you have an obligation here to  
02:49 21 tell the truth?

02:49 22 A. Yes, ma'am.

02:49 23 Q. Is there any reason that you cannot tell us the  
02:49 24 truth today, for example, you're on medication that makes  
02:50 25 it hard for you to think straight, you didn't get enough

03:39 1 memory is you were laying down in the living room, and  
03:39 2 then the next memory you have is your mom bleeding?

03:39 3 A. Yes, ma'am.

03:39 4 Q. And there was nothing that you can recall in  
03:39 5 between there?

03:39 6 A. No, ma'am.

03:39 7 Q. So the last -- so is it your testimony, as you  
03:39 8 sit here today, that you never saw Mr. Puga outside of  
03:39 9 the vehicle?

03:39 10 A. No.

03:39 11 Q. I'm sorry. Did you ever see Mr. Puga outside  
03:39 12 of the vehicle?

03:39 13 A. No.

03:39 14 Q. Did you ever see Mr. Puga with a gun?

03:39 15 A. No.

03:39 16 Q. Did you see -- ever see Mr. Puga's -- did you  
03:39 17 ever see Mr. Puga bring his arm down and raise a gun up  
03:39 18 with his right hand?

03:39 19 A. No.

03:39 20 Q. Do you know that you told that to detectives  
03:39 21 the night that this happened?

03:40 22 A. No.

03:40 23 Q. So basically what you're saying is if I --  
03:40 24 anything that you may have told detectives that night you  
03:40 25 have no recollection of?



03:40 1 A. I have no recollection of. I don't even  
03:40 2 remember having the -- like, you know, going to the -- I  
03:40 3 remember being in there with the detectives, but I can't  
03:40 4 even remember what was even said to the detectives. Alls  
03:40 5 I can remember was when they called me incompetent.

03:40 6 Q. It's your belief that the detectives that  
03:40 7 were -- interviewed you called you incompetent?

03:40 8 A. Yes. They told me they were going to ask me a  
03:40 9 bunch of dumb questions to see if I was competent enough.

03:40 10 Q. And who told you that?

03:40 11 A. I can't remember. I know -- I don't know  
03:40 12 the -- I can't remember the names of the detectives. I  
03:40 13 know one of the detectives' name was Steel, and the only  
03:40 14 reason I remember that -- well, his last name was because  
03:40 15 I thought it was a cool last name.

03:40 16 Q. So as you sit here today, you have a clear  
03:41 17 recollection that one of the detectives said, I'm going  
03:41 18 to ask you a bunch of dumb questions to see if you're  
03:41 19 competent, but that is the only thing that you can recall  
03:41 20 about your interview with detectives?

03:41 21 A. Yes, ma'am.

03:41 22 Q. Everything else is completely blacked out?

03:41 23 A. Yes, ma'am.

03:41 24 Q. Give me one moment. I'm going to try to play  
03:41 25 some audio here.

03:46 1 (Audio played.)

03:46 2 BY MS. GUSTAFSON:

03:46 3 Q. And you would agree that you heard yourself  
03:46 4 tell detectives that you saw a flash from Mr. Puga's gun?

03:46 5 A. Yes, I do agree.

03:46 6 Q. And as you sit here today, you have no  
03:46 7 recollection of seeing a flash from Mr. Puga's gun; is  
03:46 8 that correct?

03:46 9 A. Yes.

03:47 10 (Audio played.)

03:47 11 BY MS. GUSTAFSON:

03:47 12 Q. I'm actually going to -- I had stopped it at  
03:47 13 2048. I'm actually going to move it up to 2144. So I'm  
03:47 14 skipping some of the statement here, and I'm starting to  
03:47 15 play at 2144 now.

03:47 16 (Audio played.)

03:47 17 BY MS. GUSTAFSON:

03:47 18 Q. Did you hear yourself tell detectives that the  
03:47 19 officers returned fire after Puga started firing?

03:47 20 A. Yes, I do.

03:47 21 Q. And you would agree that you have no  
03:48 22 recollection, as you sit here today, of making that  
03:48 23 statement?

03:48 24 A. Yes, ma'am.

03:48 25 Q. And you have no recollection of seeing Mr. Puga

03:48 1 fire shots at officers?

03:48 2 A. Yes, ma'am.

03:48 3 Q. Do you have any -- did you ever see the  
03:48 4 officers fire any shots at Mr. Puga that you can recall  
03:48 5 as you sit here today?

03:48 6 A. No.

03:48 7 Q. Can you recall anything at all about what  
03:48 8 Mr. Puga was doing outside of the vehicle? I'm sorry?

03:48 9 A. No.

03:48 10 Q. Can you recall ever seeing Mr. Puga on the  
03:48 11 ground?

03:48 12 A. Yes.

03:48 13 Q. What do you recall about seeing him on the  
03:48 14 ground?

03:48 15 A. I had walked up to his dead body.

03:48 16 Q. You personally walked up to the body?

03:48 17 A. Yes, ma'am.

03:48 18 Q. When did this happen?

03:48 19 A. After my family had gone in the ambulance.

03:48 20 Q. Do you have any recollection, as you sit here  
03:48 21 today, of any -- of seeing Mr. Puga at any time on  
03:49 22 February 17th, 2021, before you walked up to his dead  
03:49 23 body?

03:49 24 A. No.

03:49 25 Q. Was anybody with you when you walked up to his

03:49 1 body?

03:49 2 A. No.

03:49 3 Q. Was anybody near Mr. Puga?

03:49 4 A. No.

03:49 5 Q. What do you recall seeing?

03:49 6 A. I saw him seem terrified and dead on the floor.

03:49 7 Q. And was he face up or facedown?

03:49 8 A. He was turned to the side and his head was  
03:49 9 turned like -- like -- essentially, like, towards my  
03:49 10 fence.

03:49 11 Q. Was he laying on his back or his stomach?

03:49 12 A. It was, like -- like, he was laying on his  
03:49 13 stomach, but he was still turned, so he was almost, like,  
03:49 14 laying on his side, but, like, he wasn't. You know what  
03:49 15 I mean? Like, you know, like, when you lay on your side,  
03:49 16 but, like, you -- you're not all the way laying on your  
03:49 17 side?

03:49 18 Q. So if I'm understanding you correctly, he was  
03:49 19 partially on his stomach and partially on his side?

03:49 20 A. Yes, ma'am.

03:49 21 Q. And which side was he partially on, his left or  
03:49 22 right?

03:49 23 A. His left.

03:50 24 Q. And was his head also turned to the left?

03:50 25 A. Yes, ma'am.

03:50 1 Q. And so you could see one side of his face?

03:50 2 A. I could see both of his eyes.

03:50 3 Q. And how long did you stare at Mr. Puga's body?

03:50 4 A. I can't recall how long.

03:50 5 Q. Can you estimate at all? Was it a couple  
03:50 6 seconds? Did you stand there for 20 minutes?

03:50 7 A. Maybe a minute at most.

03:50 8 Q. Where did you go after you looked at Mr. Puga's  
03:50 9 body?

03:50 10 A. I went back into the house.

03:50 11 Q. Did you have any communications with any  
03:50 12 officers during the time that you walked over and looked  
03:50 13 at Mr. Puga?

03:50 14 A. No.

03:50 15 Q. And what was it about what you saw that made  
03:50 16 you believe Mr. Puga looked scared?

03:50 17 A. His face.

03:50 18 Q. What about his face?

03:50 19 A. His eyes were wide open.

03:50 20 Q. Can you recall seeing Mr. Puga's face at any  
03:51 21 time before you walked up to his body on the ground?

03:51 22 A. No.

03:51 23 Q. Can you recall anything that Mr. Puga said or  
03:51 24 did at any time prior to seeing him on the ground?

03:51 25 A. No.

1 I declare under penalty of perjury under the laws of the  
2 State of California that the foregoing is true and  
3 correct; that I have read my deposition and have made the  
4 necessary corrections, additions or changes to my answers  
5 that I deem necessary.

6 Executed on this \_\_\_\_\_ day of \_\_\_\_\_,  
7 2024.

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ANNABELLE BOTTEN  
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1 I, SANDRA NALLEY, Certified Shorthand Reporter for the  
2 State of California, do hereby certify:

3  
4 That the witness in the foregoing deposition was by me  
5 first duly sworn to testify to the truth, the whole truth  
6 and nothing but the truth in the foregoing cause; that  
7 the deposition was taken by me in machine shorthand and  
8 later transcribed into typewriting, under my direction,  
9 and that the foregoing contains a true record of the  
10 testimony of the witness.

11  
12 Dated: This 30th day of December, 2024, at Temecula,  
13 California.

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16  
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18 \_\_\_\_\_  
19 SANDRA NALLEY  
20 CSR NO. 13607  
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